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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/204,102 12/01/98 HOUH

H NBX-007-6611

EXAMINER

WM01/0731

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ART UNIT

PAPER NUMBER

2664

DATE MAILED:

07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/204,102

Applicant(s)

HOUH ET AL.

Examiner

Kevin C. Harper

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,13,15,21,22,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 5,6,8-12,14,16-20 and 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 November 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 3-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4, 7, 13, 15, 21-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markkula, Jr. et al. (US 4,918,690).

2. Regarding claims 1, 3-4, 7, 13, 15, 21-22 and 28, Markkula discloses a method for forwarding packets to a network (Figure 4; abstract, lines 5-7; col. 6, lines 46-49). A packet forwarding system (Figure 1, items 27 or 28; col. 5, lines 54-55) creates a packet (Figure 6; col. 5, lines 15-18 and col. 13, lines 39-31) and attempts to forward the packet to the network (col. 14, lines 17-20). A time limit is established within which to forward the packet (col. 14, lines 13-15), and if the time limit is reached, then the packet is discarded (col. 14, lines 30-32). However, Markkula does not disclose the packet forwarding system having a memory to store packets. One skilled in the art would recognize that a packet memory is typically used for storing packets to be transmitted. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a FIFO (first-in, first-out) memory for the packet forwarding system in the invention of Markkula in order to accommodate packets intended for transmission that cannot be immediately transmitted due to congestion, delay, jitter, etc. A FIFO

memory inherently causes the second-in-line packet to become the head-of-line packet for transmission when the previous head-of-line packet is removed (i.e. transmitted, discarded, etc.).

3. Regarding claim 3, the packet forwarding system successfully transmits packets (col. 13, lines 39-40).

4. Regarding claim 4, a packet transmission may be interrupted due to packet collisions (col. 69, lines 51-56).

5. Regarding claim 27, a packet is transmitted during a free period (col. 69, lines 35-41).

Allowable Subject Matter

6. Claims 5-6, 8-12, 14, 16-20 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 8:00 AM to 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax phone number for Technology Center (TC) 2600 is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



July 30, 2001



HUY D. VU
PRIMARY EXAMINER